ADJOURNMENT MOTIONS.

PRESIDENT: I have received notices of various adjournment motions. The first one is by Mr. N. Narayana Kurup, and runs thus:

> "I beg leave to move that the business of this House be adjourned for the purpose of discussing a definite matter of urgent public importance, namely, the public unrest, and discontent in so far as they feel that a large section of them are virtually disenfranchised, by the sudden and recent notification of the Government declaring vacant, the seats of nineteen members of the two Houses of Legislature, and deciding to legislate without their representatives."

MR. PUTHUPALLY S. KRISHNA PILLAI: I object, Sir. Under rule 21 (5), no adjournment motion can be moved on a matter on which a resolution cannot be moved; and, under rule 56 (a) no resolution can be moved which is in contravention of any of the various sub-clauses mentioned therein one of such sub-clauses relates to 'any matter removed from the cognisance of the House under Section 17 of the Regulation'. Section 17 (1) (d) provides that any matter covered by the provisions of the Legislative Reforms Regulation or rules framed thereunder cannot be discussed on the floor of the House.

The subject matter of the present adjournment motion comes directly under rules 5 and 25 of the rules passed under the Legislative Reforms Regulation. I may also add that rule 25 is mandatory.

PRESIDENT: I see your point. Has Mr. Narayana Kurup anything to say on the matter.

MR. N. NARAYANA KURUP: (*Ambalapuzha* cum *Shertallai*) Sir, I perfectly agree with the Hon'ble the Legal Remembrancer, in holding that no resolution can be moved on the subject matter of this adjournment motion. Even though, by straining the Section, a subsequent disqualification might afford legal justification to declare the seats vacant, it could not be justified on moral and constitutional grounds.

But what I want to bring to the notice of this House is that even conceding that the Government could not be expected to be very soft in favour of the opposition, which was by no means tame, and which had the temerity to speak what they felt without fear or frown from others, why should the constituencies be penalised for the sins of omision or commission, immaginary or real, of some members at a time when several bills concerning them also are on the anvil. These rules were in force even on the 10th of Chingom and on the subsequent days when those members were convicted for more than 6 months. The Government could have declared the seats vacant then, and ordered an immediate election so that representatives could have been returned before this Session, instead of declaring the seats vacant a few days before the Session.

PRESIDENT: Order, order. As there has apparently been a misconception regarding this matter, before I give my ruling, I shal

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indicate my reasons. Under the Electoral Rules, Rule 5 (2): "a person against whom a conviction by a criminal court involving a sentence of imprisonment for a period of six months or more is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for re-election for five years from the date of expiration of the sentence:

"Provided that on *application* by a person disqualified under this sub-rule the Government may remove the disqualification by order in this behalf." Under Rule 25 of the same rules it has been made clear that this provision is equally applicable to initial and later disqualifications. Rule 25 says—

> "If any person, having been elected or nominated subsequently becomes, subject to any of the disabilities stated in clauses (d) (e), (f) and (g), or sub-rule (1) or in sub-rules (2), (3) and (4) of rule 5 or of rule 21 as the case may be, or fails to take the oath or affirmation x x x x x x, the Government shall, if the disqualification has not been removed under these rules by notification in the Gazette, declare his seat to be vacant."

Analysing the rules, what do we find? We see that the Government are under a positive duty to declare the seats vacant except in one of two contingencies. The first contingency is a pardon which may be granted by His Highness under the high prerogative vested in him as the Sovereign of this country. That pardon cannot and, naturally, will not be extended normally unless people ask for pardon, because it is impossible to conceive that His Highness will be going about asking people whether they desire to be pardoned.

The second point is with regard to the disqualification. The rule is perfectly clear that *on application* by a person disqualified under this sub-rule the Government may remove the disqualification. There would have been reason for complaint if a single person had applied to the Government for the disqualification to be removed and the disqualification had not been removed. Not one of these gentlemen, so far as I am aware, has ever applied for the removal of the disqualification. The Government might have, taking advantage of their conviction, immediately declared their seats vacant. If that had been done, then that procedure would have been open to the objection that it was a vindictive procedure on the part of Government. Time was therefore given until three or four days before the date indicated for the convening of the Legislature so that they might make up their minds either to apply to His Highness for pardon or to the Government for the removal of their disqualification. Neither step having been taken, the Government were under a positive and imperative obligation to declare their seats vacant. Under these circumstances, I hold that Government, having acted under a statutory duty, had no further discretion or alternative in the matter. No resolution is permissible; and therefore no adjournment motion is possible. The adjournment motion is out of order and is ruled out.

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[President]

The next adjournment motion given by the same honourable member is this—

"I beg leave to move that the business of this House be adjourned for the purpose of discussing a definite matter of urgent public importance, namely, the deep sense of public dissatisfaction at suppressing the legitimate and elementary right of association of young people of schools and colleges into a federation by the ban imposed on them by the educational authorities, and the arrest and imprisonment of the President and Secretary of the Students' Federation".

I hold that the motion is in order. I wish to know whether the member has the leave of the House to move the adjournment motion. As no objection has been raised, the motion will be moved this afternoon at 3-30.

The next motion for adjournment is by Mr. Narayana perumal Nadar. It runs—

"I intend asking for leave to discuss the situation created recently among the people of Travancore by the repressive policy adopted by the Travancore Government to suppress the activities of the State Congress."

MR. PUTHUPALLY S. KRISHNA PILLAI; I object.

PRESIDENT: Objection having been taken, I would like those people, who are in favour of leave being granted, to rise in their seats.

Mr. Narayanaperumal Nadar alone stood up.

PRESIDENT: One member alone having risen in his seat, and as, under the Rules, 14 members should rise in their seats in order to allow an adjournment motion to be discussed in the House, the adjournment motion cannot be discussed. Hence it is ruled out.

The next motion for adjournment is by Mr. Sivathanu Pillai:—

"In Nanjinad, during the last Kanni crop of 1114 there were thousands of acres laying fallow, for which taxes for Kanni are being collected, on the ground that fallow remissions are not contemplated. This has created great hardship and is causing great loss and suffering to the already suffering ryots of Nanjinad. Thus the situation created deserves the serious notice of the House as also of the Government".

Does anybody object? As nobody objects, this motion will be discussed tomorrow afternoon at 3-30.

The next adjournment motion, by Mr. T. C. Kesava Pillai is—

"I beg to move the adjournment of the business of the House to discuss a definite matter of urgent public importance, viz., the situation created among the people of the Kalkulam and Vilavankod taluks regarding the scarcity of water for drinking and agricultural purposes".

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Does anybody object? As nobody objects, this adjournment motion will be taken up for discussion the next day at 3-30 p. m.

MESSAGES FROM THE SRI CHITRA STATE COUNCIL.

The Secretary to the Sri Mulam Assembly then read the following messages from the Secretary to the Sri Chitra State Council : —

"Under rule 42 of the Travancore Legislative Rules, passed under date the 28th October 1932, I am directed to inform you that the Sri Chitra State Council has, at its meeting held on the 19th August 1938 agreed, without any amendments, to the Travancore Public Accounts Regulation (Amendment) Bill which was passed by the Sri Mulam Assembly at its meeting held on the 13th July 1938. A copy of the Bill, as passed by the Council, is enclosed."

"Under Rule 42 of the Travancore Legislative Rules, passed under date the 28 October 1932, I am directed to inform you that the Sri Chitra State Council has, at its meeting held on the 19th August 1938 agreed, without any amendments, to the Travancore Criminal Law (Amendment) Bill which was passed by the Sri Mulam Assembly at its meeting held on the 18th July 1938. A copy of the Bill, as passed by the Council is enclosed ".

"Under Rule 42 of the Travancore Legislative Rules, passed under date the 28th October 1932, I am directed to inform you that the Sri Chitra State Council has, at its meeting held on the 19th August 1938 agreed, without any amendments, to the Travancore Abkari Regulation (Amendment) Bill which was passed by the Sri Mulam Assembly at its meeting held on the 18th July 1936. A copy of the Bill, passed by the Council, is enclosed".

"Under Rule 42 of the Travancore Legislative Rules, passed under date the 28th October 1932, I am directed to imform that the Sri Chitra State Council has, at its meetings held on the 19th August 1938 agreed without any amendments, to the Travancore Irrigation Regulation (Amendment) Bill which was passed by the Sri Mulam Assembly at its meeting held on the 18th July 1938. A copy of the Bill, as passed by the Council, is enclosed".

" Under Rule 42 of the Travancore Legislative Rules, passed under date the 28th October 1932, I am directed to inform you that the Sri Chitra State Council has, at its meeting held on the 19th August 1938 agreed, without any amendments, to the Travancore Trade Disputes Bill which was passed by the Sri Mulam Assembly at its meeting held on the 24th November 1937. A copy of the Bill, as passed by the Council, is enclosed".

"Under Rule 42 of the Travancore Legislative Rules passed under date the 28th October 1938, I am directed to inform you that the Sri

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